



February 13, 2009

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## SENATE BILL No. 437

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DIGEST OF SB 437 (Updated February 11, 2009 4:26 pm - DI 104)

**Citations Affected:** IC 27-8; IC 27-13; noncode.

**Synopsis:** Coverage for cancer chemotherapy. Beginning January 1, 2010, requires certain policies of accident and sickness insurance and health maintenance organization contracts to provide certain coverage for orally administered cancer chemotherapy.

**Effective:** July 1, 2009.

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**Becker, Lawson C, Simpson, Gard,  
Breaux, Rogers, Sipes, Mishler,  
Errington, Charbonneau**

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January 14, 2009, read first time and referred to Committee on Health and Provider Services.  
February 12, 2009, amended, reported favorably — Do Pass.

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SB 437—LS 6820/DI 97+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 437

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 27-8-32 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]:

4 **Chapter 32. Coverage for Chemotherapy**

5 **Sec. 1. This chapter applies beginning January 1, 2010, to a**  
6 **policy of accident and sickness insurance that provides coverage**  
7 **for cancer chemotherapy.**

8 **Sec. 2. As used in this chapter, "cancer chemotherapy" means**  
9 **medication that is prescribed by a physician to kill or slow the**  
10 **growth of cancer cells.**

11 **Sec. 3. As used in this chapter, "insured" means an individual**  
12 **who is entitled to coverage under a policy of accident and sickness**  
13 **insurance.**

14 **Sec. 4. As used in this chapter, "policy of accident and sickness**  
15 **insurance" has the meaning set forth in IC 27-8-5-1.**

16 **Sec. 5. Coverage for orally administered cancer chemotherapy**  
17 **under a policy of accident and sickness insurance must not be**

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1 subject to dollar limits, copayments, or deductibles that are less  
2 favorable to an insured than the dollar limits, copayments, or  
3 deductibles that apply to coverage for cancer chemotherapy that  
4 is administered intravenously or by injection under the policy of  
5 accident and sickness insurance.

6 Sec. 6. If coverage for orally administered cancer chemotherapy  
7 under a policy of accident and sickness insurance is, on December  
8 31, 2009, more favorable to an insured than coverage under the  
9 policy of accident and sickness insurance for cancer chemotherapy  
10 that is administered intravenously or by injection, the policy of  
11 accident and sickness insurance must, after December 31, 2009,  
12 provide at least the same coverage for orally administered cancer  
13 chemotherapy as the coverage that was provided for orally  
14 administered cancer chemotherapy on December 31, 2009.

15 SECTION 2. IC 27-13-7-20 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2009]: Sec. 20. (a) This section applies beginning January 1,  
18 2010, to an individual contract or a group contract that provides  
19 coverage for cancer chemotherapy.

20 (b) As used in this section, "cancer chemotherapy" means  
21 medication that is prescribed by a physician to kill or slow the  
22 growth of cancer cells.

23 (c) Coverage for orally administered cancer chemotherapy  
24 under an individual contract or a group contract must not be  
25 subject to dollar limits, copayments, or deductibles that are less  
26 favorable to an enrollee than the dollar limits, copayments, or  
27 deductibles that apply to coverage for cancer chemotherapy that  
28 is administered intravenously or by injection under the individual  
29 contract or group contract.

30 (d) If coverage for orally administered cancer chemotherapy  
31 under an individual contract or a group contract is, on December  
32 31, 2009, more favorable to an enrollee than coverage under the  
33 individual contract or group contract for cancer chemotherapy  
34 that is administered intravenously or by injection, the individual  
35 contract or group contract must, after December 31, 2009, provide  
36 at least the same coverage for orally administered cancer  
37 chemotherapy as the coverage that was provided for orally  
38 administered cancer chemotherapy on December 31, 2009.

39 SECTION 3. [EFFECTIVE JULY 1, 2009] (a) IC 27-8-32, as  
40 added by this act, applies to a policy of accident and sickness  
41 insurance that is issued, delivered, amended, or renewed after  
42 December 31, 2009.

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- 1           (b) IC 27-13-7-20, as added by this act, applies to an individual  
2       contract or a group contract that is entered into, delivered,  
3       amended, or renewed after December 31, 2009.  
4           (c) This SECTION expires December 31, 2014.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 437, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, after "applies" insert "**beginning January 1, 2010,**".

Page 2, line 6, delete "June 30," and insert "**December 31,**".

Page 2, line 10, delete "June 30, 2009," and insert "**December 31, 2009,**".

Page 2, line 13, delete "June 30, 2009." and insert "**December 31, 2009.**".

Page 2, line 16, after "applies" insert "**beginning January 1, 2010,**".

Page 2, line 30, delete "June 30," and insert "**December 31,**".

Page 2, line 34, delete "June 30, 2009," and insert "**December 31, 2009,**".

Page 2, line 37, delete "June 30, 2009." and insert "**December 31, 2009.**".

Page 2, line 40, delete "June" and insert "**December 31, 2009.**".

Page 2, delete line 41.

Page 3, line 2, delete "June 30, 2009." and insert "**December 31, 2009.**".

Page 3, line 3, delete "June 30, 2014." and insert "**December 31, 2014.**".

and when so amended that said bill do pass.

(Reference is to SB 437 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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